

## Alterations to Primary Function Area/Path of Travel Requirements

**ADAAG 4.1.6(2)** . . . “In addition to the requirements of 4.1.6(1), an *alteration* that affects or could affect the usability of or access to an area containing a **primary function** (PF) shall be made so as to ensure that, to the maximum extent feasible, the *path of travel* to the altered area and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, unless such alterations are *disproportionate* to the overall alterations in terms of cost and scope (as determined under criteria established by the [U.S.] Attorney General)”.

**28 CFR 36.403** [DOJ indicates this title III information is referenced when title II uses ADAAG]

(a) . . . “An *alteration* that affects or could affect the usability of or access to an area of a facility that contains a **primary function** shall be made so as to ensure that, to the maximum extent feasible, the *path of travel* to the altered area, and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities including individuals who use wheelchairs, unless the cost and scope of such alterations is *disproportionate* to the cost of the overall alteration”.

(b) **Primary function.** . . . “is a major activity for which the facility is intended. . . . Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors, and restrooms are not areas containing a primary function”.

(e) **Path of travel** (1) . . . “includes a continuous, unobstructed way of pedestrian passage by means of which the altered area, may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. (2) An accessible *path of travel* may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements. (3) . . . also includes the restrooms, telephones, and drinking fountains *serving the altered areas*”.

(f) **Disproportionality.** (1) Alterations made to provide an accessible path of travel to the altered area will be deemed *disproportionate* to the overall alteration when the cost exceeds 20% of the cost of the alteration to the *primary function area*. (2) Costs that may be counted as expenditures required to provide an *accessible path of travel* may include: making an accessible entrance and route to the altered area; and making restrooms, telephones, drinking fountains serving the altered area accessible.

(g) Duty to provide accessible features in the event of *disproportionality*. (1) When the cost of alterations necessary to make the path of travel to the altered area fully accessible is *disproportionate* to the cost of the overall alteration, the *path of travel* shall be made accessible to the extent that it can be made accessible *without* incurring disproportionate costs.

Construction cost of alterations to PF \$\_\_\_\_\_. Required 20% costs \$\_\_\_\_\_.

DOJ indicates priority should be given to those elements which provide the greatest access, in the following order:

- |  |          |
|--|----------|
| 1. Accessible entrance   | \$ _____ |
| 2. Accessible route to the altered area  | \$ _____ |
| 3. Accessible restroom(s) for each sex or single unisex restroom(s)                                    | \$ _____ |
| 4. Accessible telephone(s)   | \$ _____ |
| 5. Accessible drinking fountain(s)   | \$ _____ |
| 6. Additional accessible elements such as parking, storage, alarms, elevators, signage, hardware, etc. | \$ _____ |
| 7. Other _____   | \$ _____ |

**Total costs for path of travel elements:** \$\_\_\_\_\_